

WYOMING GUIDELINES FOR FARMERS' MARKETS

2009 – 2

What can be sold without a license?

Agricultural producers who sell fresh whole raw fruits and vegetables. Food products such as whole wheat, beans, potatoes, onions, etc. Herbs and sprouts sold as a food product, not as nursery stock.

Wyoming un-graded eggs must meet labeling and temperature requirements.

Pet treats that are not considered “Pet Food”. Pre-packaged pet treats must be labeled with name of product, processor name and address, ingredient statement, net weight and protein, fat and fiber declaration. If sold in bulk, only an ingredient placard is needed at point of sale. All of these products do need to be registered.

When is a license required?

Any person processing, distributing storing or preparing any food for sale to establishments shall obtain a food license from the department of agriculture or local health department.

Examples are:

- Agricultural products bought from another source
- Meat and poultry from a Wyoming state or federally inspected plant
- Processed foods honey, jams and jellies, salsas, relishes, dressings, pickled, etc.
- Baked goods such as breads, rolls, cakes, cookies and double crusted pies

If product is prepared in a licensed establishment from another state the processor must obtain a food distributor license in Wyoming.

Note: Establishment means and includes any place or any area of any establishment in which food ... (is) displayed for sale, manufactured, processed, packed, held or stored (and) includes ... an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food. (Wyoming Food Safety Rule, Chapter 1, Section 8 (iv). Establishment includes but is not limited to: restaurants, retail stores, institutions, child care facilities or other food service establishments.

Note: See Wyoming Cottage Food Business Requirements

Nursery stock – plants, shrubs, trees and herbs grown for the purpose of ornamentals, landscaping or windbreaks. Does not include cut flowers or plant parts grown or offered for consumption as human food or as feed for animals. A license must be obtained from the Wyoming Department of Agriculture. Must also comply with the other requirements of the Wyoming Nursery and Greenhouse Law.

Seeds – seller of any agricultural vegetable, flowers, tree, crop and grass shall have a seed dealers license from the Wyoming Department of Agriculture. Must comply with the other requirements of the Wyoming Seed Law and Regulations

What other license maybe needed?

Temporary food establishment – food prepared at the market must meet requirements and obtain a temporary food permit from the department of agriculture or local health department. The permit is valid for 14 consecutive days. (Wyoming Food Safety Rule Chapter 1, Section 8 (clxvi))

Temporary Sampling Establishment – This is only if a vendor is giving out free samples. Does not include if they are handing out whole produce. An establishment that operates for a period no more than fourteen (14) individual days within three (3) consecutive months in conjunction with a farmers' market or other events held at a single location. (Wyoming Food Safety Rule Chapter 1, Section 8 (clxvii)).

Sales made by weight must be weighed with a certified scale with an affixed tested and approved seal from the Wyoming Department of Agriculture, and obtain a weights and measures license.

What cannot be sold? (This list is not all inclusive)

Home canned products such as green beans, tomatoes, pickles, salsa, dressings and relishes

Raw (unpasteurized) milk

Meat and poultry that have not been processed under state or federal inspection

Cream pastries or pies

Pet foods not meeting federal regulations

What are the methods of sales?

Food products should be priced by the piece, bunch, bag or by weight.

Product packaged (bagged) on site the day of sale for sanitary or conveyance is acceptable. These products do not require labeling. Wyoming Weights and Measures Law 40.10-117 (a) (vii).

Pre-packaged products are any product that is packaged prior to arriving at a market and must meet all labeling requirements of Wyoming Food Rule and Weights and Measure laws and regulations. These require name of product, ingredient statement, processor/distributor, name and address and net weight.

Licensing fees:

Weights and Measures	\$25.00 annual
Seed Dealers	\$25.00 annual
Nursery Stock	\$25.00 annual
Pet Treats	\$20.00 per product / annual registration

Food License initial \$100.00, \$50.00 annual renewal

Temporary Establishment – 14 consecutive days \$25.00

Temporary Sampling Establishment – 14 individual days within 3 months \$25.00

Questions contact: Consumer Health Services 307-777-7211

Technical Services 307-777-7324